

LEWIS LONG and TERRY SIMIEN, on) Case No.: C-06-2816 JW
behalf of themselves and all others)
similarly situated,)

Plaintiffs,

v.

HEWLETT-PACKARD, CO.,

Defendant.

) SITUATION AND [PROPOSED]
) ORDER (1) ADDRESSING AGREED
) SECOND AMENDED COMPLAINT AND
) (2) SETTING TIME FOR DEFENDANT TO
) RESPOND TO SECOND AMENDED
) COMPLAINT
)

WHEREAS, Defendant's deadline to respond to the First Amended Complaint is currently February 12, 2007.

WHEREAS, on February 8, 2007, the Parties discovered a typographical error in the First Amended Complaint with regard to the date Plaintiff Simien contacted Defendant regarding her computer, namely paragraph 51 states the contact occurred in January 2003, but it occurred in November 2003.

STIPULATION AND ~~PROPOSED~~ ORDER (1) ADDRESSING AGREED SECOND AMENDED COMPLAINT
AND (2) SETTING TIME FOR DEFENDANT TO RESPOND TO SECOND AMENDED COMPLAINT
Case No. C-06-2816 JW

1 WHEREAS, Plaintiffs agree to correct the error by filing a Second Amended Complaint
2 no later than February 9, 2007, changing the word "January" to "November" in paragraph 51.

3 WHEREAS, to avoid undue delay, the Parties agree that Defendant shall respond to the
4 Second Amended Complaint no later than February 16, 2007, instead of the usual 10 days
5 allowed under Federal Rules of Civil Procedure Rule 15.
6

7 NOW THEREFORE, Plaintiffs and Defendant, through their respective counsel of
8 record, hereby stipulate as follows:

9 Pursuant to Federal Rules of Civil Procedure Rule 15, Plaintiffs may amend their First
10 Amended Complaint as a matter of course because Defendant has not yet served a responsive
11 pleading. Plaintiff will file, no later than February 9, 2007, a Second Amended Complaint
12 amending the First Amended Complaint to substitute the word "November" for the word
13 "January" in paragraph 51. Defendant will respond to the Second Amended Complaint no later
14 than February 16, 2007.
15

16
17 DATED: February 8, 2007

Respectfully Submitted,

18 **GREEN WELLING LLP**

19
20
21 By: /s/
Charles D. Marshall

22 Robert S. Green
23 Jenelle Welling
24 Attorneys for Plaintiffs
Lewis Long and Therry Simien
25
26
27

MORGAN, LEWIS & BOCKIUS LLP

By: /s/
Robert A. Particelli (*pro hac vice*)

Howard Holderness
Thomas R. Green
Attorneys for Defendant
Hewlett-Packard Company

~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED, Plaintiffs shall file their Second Amended Complaint no later than February 9, 2007. Defendant shall respond to the Second Amended Complaint by no later than February 16, 2007.

DATED: February 9, 2007



Judge of the District Court